

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

BEAUTY MCBRIDE,)	
)	
Plaintiff,)	
)	
v.)	1:05-cv-01035-DRB
)	[wo]
JO ANNE B. BARNHART,)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	

ORDER ON MOTION

On April 20, 2006, this court entered a *Final Judgment* remanding this case to the Commissioner of Social Security for further proceedings pursuant to *sentence four* of 42 U.S.C. §405(g). (Docs. 22 and 23). Submitted now is the Plaintiff's uncontested¹ *Motion for Attorney's Fees* (Doc. 23) filed with a supporting brief and other documentation on July 19, 2006 (Docs. 24 and 25).

Pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412, Plaintiff seeks a total award of \$2,766.44 for attorney's fees to counsel of record, Georgia H. Ludlum, at an hourly rate of \$159.91.² The court finds that Plaintiff's motion is timely filed and that he is a "prevailing party" within the meaning of 28 U.S.C. §2412(d)(1)(A), in that pursuant to the *Order and Judgment* filed April 20, 2006 the court remanded this case for further consideration pursuant to *sentence four* of 42 U.S.C. §405(g). Plaintiff has documented increases in the consumer price index which authorize

¹The Commissioner "does not contest Plaintiff's request and asks the court to award \$2,766.44 for attorney fees". The Commissioner also "requests that the Court's order reflect that EAJA fees should be made payable to Plaintiff's counsel, the Law Offices of Georgia H. Ludlum." (*Defendant's Response*, Doc. 27, July 31, 2006).

²Plaintiff's fee itemization reflects a total of 17.3 hours of services rendered between October 25, 2005 and July 19, 2006. (Doc. 25).

an increase from the \$125 hourly fee specified in the EAJA to the requested hourly rate as an adjustment for inflation. Plaintiff's requested hourly rate is reasonable as are the hours expended for legal representation.

Accordingly, it is the **ORDER, JUDGMENT, and DECREE** of this court that the Plaintiff's *Motion for Attorney's Fees* (Doc. 23) is **GRANTED** in the total amount of \$2,766.44, payable to Plaintiff's counsel, the Law Offices of Georgia H. Ludlum.

DONE this 1st day of August, 2006.

/s/ Delores R. Boyd

DELORES R. BOYD

UNITED STATES MAGISTRATE JUDGE